

CHAPTER 67:42:14

BEFORE AND AFTER SCHOOL CARE

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67:42:14:01. Definitions. Terms used in this chapter mean:

(1) “Activity grouping,” a group of children assigned to a staff member or a team of staff members and occupying an individual classroom or a well-defined space within a larger room;

(2) “Before and after school care,” care and supervision that serves as a substitute for parental care before and after school hours of children who are five years of age or older and enrolled in school;

(3) “Parent,” a child’s natural parent, adoptive parent, stepparent, or legal guardian;

(4) “Staff,” individuals employed by the before and after school care center and volunteers providing services at the center regardless of whether or not they have direct contact with the child in care; and

(5) “Verifiable experience,” experiences, paid or unpaid, which are documented through items such as written letters, school transcripts, or employment records from a previous school advisor, employer, or supervisor.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

[67:42:14:02. Application for licensure.](#) ~~The operator of a before and after school care center must apply for licensure through the department. The operator must submit a completed and signed application to the department. Before a before and after school care center may be licensed, it must meet the requirements of this chapter and the applicable requirements of chapters 67:42:01 and 67:42:11. Unless otherwise exempted by state statute, no before and after school care center may operate without a license~~Repealed.

[Source:](#) 27 SDR 63, effective December 31, 2000.

~~—General Authority: SDCL 26-6-16.~~

~~—Law Implemented: SDCL 26-6-16.~~

~~—Cross References:~~

~~— Chapter not applicable to day care services provided by school board for children of enrolled students, SDCL 26-6-1.1;~~

~~— License or registration required for child care or placement by public or private agency — Waiver, violation as misdemeanor, SDCL 26-6-9;~~

~~— Educational and incidental activities exempt from chapter — State institutions, SDCL 26-6-27.~~

67:42:14:03. Center director or proprietoroperator -- Responsibilities. The center director or proprietor operator is responsible for the overall administration of the before and after school care center and must ensure that the center maintains compliance with the department's licensing requirements. Specific responsibilities include the following: must be at least 18 years old and certified in cardio-pulmonary resuscitation (CPR) through an entity that provides hands-on skills testing as part of the training.

- ~~—(1) Identify the individuals who will act as the center supervisor and the site coordinator during the center's hours of operation;~~
- ~~—(2) Ensure that the center is sufficiently staffed to provide care for the children in care;~~
- ~~—(3) Ensure that substitute staff is available to replace regularly assigned staff who are unable to work;~~
- ~~—(4) Establish written reporting procedures for suspected child abuse or neglect and ensure that the procedures are understood by all staff members;~~
- ~~—(5) Develop and use a consistent procedure for documenting the daily attendance of children in care;~~
- ~~—(6) Ensure that records relating to staff members and the children in care are established and maintained;~~
- ~~—(7) Notify the department immediately of any major changes that will be occurring with the center operation including change of ownership, operator, or center supervisor, facility closing, or expansion or elimination of services;~~
- ~~—(8) Notify the department within 24 hours if a child dies while the child is in care; and~~
- ~~—(9) Notify the department within 24 hours if a child acquires an illness or is involved in an accident while in care that results in the hospitalization of the child.~~

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

[67:42:14:04. Center operator -- Qualifications.](#) ~~The center operator must be at least 18 years old and have three years of education or experience or a combination of three years of education and experience relating to the operation or management of a child care business. If the operator is also responsible for planning center activities, the operator must also meet the requirements contained in § 67:42:14:06~~[Repealed.](#)

[Source: 27 SDR 63, effective December 31, 2000.](#)

~~—[General Authority: SDCL 26-6-16.](#)~~

~~—[Law Implemented: SDCL 26-6-16.](#)~~

67:42:14:05. Supervisor -- Responsibilities. ~~The supervisor works under the direction of the operator and is responsible for the following:~~

- ~~—(1) Planning and implementing center activities;~~
- ~~—(2) Assisting the operator in maintaining and improving the quality of care; and~~
- ~~—(3) Maintaining compliance with licensing requirements.~~

~~—The supervisor must be on-site at least two hours a week while the site is open. If the supervisor is responsible for more than one site, the supervisor must be on-site at least two hours a week at each site~~Repealed.

Source: 27 SDR 63, effective December 31, 2000.

~~—General Authority: SDCL 26-6-16.~~

~~—Law Implemented: SDCL 26-6-16.~~

67:42:14:06. Supervisor --- Qualifications for individual responsible for program planning and staff supervision. The supervisor-individual responsible for program planning and staff supervision must be at least 18 years old and have demonstrated to the hiring authority maturity of judgment, appropriate and effective communication skills, and the skill to appropriately supervise and direct children in an unstructured setting, and meet one of the following requirements:

- (1) Have a bachelor's degree in the field of education or human development;
- (2) Have a valid Child Development Associate (CDA) credential, or a similar credential with emphasis in the care of school age children, and one year of verifiable experience caring for and supervising four or more school-aged children;
- (3) Have two years of college coursework in the field of education with emphasis in the areas of preparing and implementing lesson plans, human growth and development, behavior management, interpersonal communication, art education, music education, physical education, and recreation and one year of verifiable experience caring for and supervising four or more school aged children; or
- (4) Have four years of verifiable experience in the care and supervision of four or more school-aged children in a child care setting, which children were not related to the individual providing care.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

[67:42:14:07. Site coordinator.](#) ~~The site coordinator works under the direction of the supervisor or operator and is responsible for implementing center plans and providing direct guidance to and supervision of the site assistants and the children in care. The site coordinator must be on-site during the hours the site is open. The site coordinator must meet the following requirements:~~

- ~~—(1) Be at least 18 years of age;~~
- ~~—(2) Have a high school diploma or equivalent;~~
- ~~—(3) Complete annual training in basic first aid; and~~
- ~~—(4) Complete annual training and maintain current certification in cardiopulmonary resuscitation (CPR).~~[Repealed.](#)

[Source: 27 SDR 63, effective December 31, 2000.](#)

~~—[General Authority:](#) SDCL 26-6-16.~~

~~—[Law Implemented:](#) SDCL 26-6-16.~~

67:42:14:08. ~~Site assistants~~Staff qualifications. A ~~site assistant works~~Staff work under the direction and supervision of the director ~~operator, supervisor, or site coordinator~~program planner and ~~provide~~provides direct guidance to and supervision of the children in care. If the site serves children who are 12 years of age and older, a ~~site assistant~~staff must be at least 16 years old. If services are limited to children under age 12, a ~~site assistant~~staff must be at least 14 years old. A ~~site assistant~~A staff member may be included in the staff-child ratio if the ~~site assistant~~staff member is at least 16 years old. ~~Site assistants~~Staff who are under the age of 18 may not be left alone with children in care and must receive direct and constant supervision from the ~~operator, supervisor, or site coordinator~~director or program planner.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:14:10. Employee hiring practices. Before hiring an individual, the ~~operator or supervisor~~director or proprietor must contact at least three references that may include the individual's former employers. The contacts must relate to the individual's character, ~~emotional stability,~~ and competence. The references may not be related to the prospective staff member and must be individuals who have known the prospective staff member prior to the time of application. References must be in the form of a documented conversation or written letter and must be on record before hiring the individual.

Before an individual works or provides volunteer services at the center, the center must comply with the screening requirements of §§ 67:42:16:04 and 67:42:16:05~~67:42:01:05.01 and 67:42:01:05.02.~~

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-14.3, 26-6-14.4, 26-6-16, 26-6-23.2.

[67:42:14:11. General requirements for all staff.](#) All staff, including volunteers, must meet the following requirements:

- ~~—(1) May not have on record a substantiated report of child abuse or neglect;~~
- ~~—(2) Must have had a Mantoux tuberculin skin test completed within 12 months prior to or at the time of employment and before having direct contact with children. Individuals who react to the test or who have been infected by tuberculosis must provide documentation from a licensed physician that indicates that there is no evidence of active disease. The testing requirement must be completed annually if recommended by a licensed physician. A copy of the tuberculin test results and physician reports must be kept in the employee's record and furnished to the department on request; and~~
- ~~—(3) Must sign a statement that contains the definition of child abuse and neglect and outlines the employee's responsibility to report all incidents of child abuse or neglect under the provisions of SDCL 26-8A-3 and 26-8A-8. The statement must indicate that the staff member has read and understands the definition and the resulting responsibility for reporting~~[Repealed.](#)

[Source: 27 SDR 63, effective December 31, 2000.](#)

~~—[General Authority:](#) SDCL 26-6-16.~~

~~—[Law Implemented:](#) SDCL 26-6-16.~~

~~—[Cross-Reference:](#) Abused or neglected child defined, SDCL 26-8A-2.~~

67:42:14:12. Staff orientation. The center must have and implement a written plan for orientation. The plan must provide for orientation in at least the following areas:

- (1) Planning activities specific to the center;
- (2) Supervision and discipline techniques;
- (3) Handwashing and sanitation techniques to reduce the spread of disease and infection;
- (4) Meeting the nutrition needs of children;
- (5) Meeting the special health-care needs of children;
- (6) Emergency response procedures;
- (7) Reporting suspected cases of child abuse and neglect;
- (8) Center policies; and
- (9) Operation requirements mandated by law and regulations.

Orientation for staff, including volunteers, must begin within the first two weeks the staff member or volunteer has contact with children in care. Orientation must be completed either before the staff member or volunteer may have unsupervised contact with children in care or within 30 days after beginning work with children, whichever occurs first. Documentation of the completed orientation training must be kept in the staff member's or volunteer's personnel file. Orientation training may count toward one hour of required annual training for each staff person during their first year of employment.

Source: 27 SDR 63, effective December 31, 2000; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:14:13. Staff training. The center must have a written plan for training each staff member and volunteer who works directly with children and is included in the staff-child ratio. The staff member or volunteer must complete ten hours of training annually from ~~and must~~ complete training in all the areas listed within the first two years the staff member or volunteer begins work. Training must include at least the following areas:

- (1) Child growth and development;
- (2) ~~Learning environments~~Detecting and reporting child abuse and neglect;
- (3) ~~Communication and developing relationships~~Guidance and behavior management;
- (4) ~~Program management and regulation~~Food handling techniques;
- (5) ~~Detecting and reporting of child abuse and neglect~~Identification and prevention of communicable diseases;
- (6) ~~Identification and prevention of communicable diseases~~Program health and safety;
- (7) ~~Behavior management and guidance~~Nutrition for children;
- (8) ~~Cultural diversity~~Program management and regulation;
- (9) ~~Food handling techniques~~Communication relations with staff;
- (10) Cultural diversity~~Communication and relationships;~~
- (11) ~~Basic first aid~~Learning environments;
- (12) Age-appropriate activities and planning;
- (13) Professionalism;
- (14) Partnerships with parents;
- (15) Inclusion of all children~~Program health and safety; and~~
- (16) ~~Inclusion of all children~~Basic first aid.

~~After the first two years of an individual's employment at the center, the center shall provide training in the subject areas most needed for professional development of staff and effective center operation.~~ Instruction provided to staff members or volunteers while performing their jobs may not be used to meet the requirements of this rule.

Before an initial license is issued, the director or a designated staff person must complete at least one hour of class instruction in basic first aid. During the hours the facility is in operation, there must be at least one staff person on site who is trained in first aide and certified in cardiopulmonary resuscitation that includes hands-on skill testing as part of the training.

Source: 27 SDR 63, effective December 31, 2000; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:14:14. Staff responsibility for reporting suspected incidents of child abuse or neglect.

Each staff member is required to read and sign a statement that defines child abuse and neglect and outlines the staff member's responsibility to report all incidents of child abuse or neglect. Each staff member shall, in addition to complying with SDCL 26-8A-3 and 26-8A-8, report any suspected incident of child abuse or neglect to the ~~operator, supervisor, site coordinator, director~~ or a designee who shall immediately report the suspected incident of in-house child abuse or neglect to the department, police, sheriff, or state's attorney and cooperate fully in the investigation.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16, 26-8A-3.

[67:42:14:18. Limit on number of children allowed in activity grouping.](#) ~~The number of children allowed in an activity grouping is limited to no more than the facility's licensed capacity. The facility must maintain the staff-child ratio during group activities~~Repealed.

[Source: 27 SDR 63, effective December 31, 2000.](#)

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

67:42:14:19. Transportation of children in care. If the center provides transportation for field trips or other outings, the staff-child ratio established in § 67:42:14:17 must be maintained. In meeting the staff-child ratio, at least one staff member in addition to the driver must be at least 18 years of age.

A vehicle used to transport children may not carry more people than the vehicle's stated passenger capacity.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

~~—Cross Reference: Transportation, § 67:42:01:24.~~

67:42:14:21. Nutritional requirements. If a child is in care for four consecutive hours, the child must receive a snack or a meal, whichever is appropriate for that time of day. If a child is in care during any normal mealtime hour, the child must receive a meal appropriate for that time of day.

Meals and snacks served at the center must consist of a variety of nutritional foods ~~from the food guide pyramid food groups~~ and must be of sufficient quantity to meet each child's needs.

If the center provides meals, the center must prepare and post menus on a weekly basis.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:14:23. Required records. The center must maintain the following records:

(1) A record for each staff member and volunteer that includes the individual's name, age, address, telephone number, education, work experience, in-service and orientation training, annual training, dates of employment and separation, ~~TB test results,~~ central registry screening results, results of the reference checks, and the signed child abuse and neglect form required in § 67:42:14:14. The center must make the personnel records available to the department for verification of the contents; and

(2) An enrollment record for each child that includes the child's name, date of birth, allergies, special needs that the child has, dates of beginning and ending enrollment, names and telephone numbers of the child's parents, name and telephone number of an individual to contact in the event of an emergency, the release signed by the child's parent that allows emergency medical treatment, the name of the school where the child is enrolled, and the medication authorization required under § 67:42:14:24, if applicable. The center must make the enrollment records available to the department on request and must maintain closed records for a minimum of six months; and

~~(3) A daily attendance record that identifies the date, the beginning and ending times the child was in care, and the full names of the children in attendance on that date. The center must maintain the daily attendance record for a minimum of seven years and the record must be made available to the department on request.~~

If the child's record is maintained at a location other than at the center the child attends, the center the child attends must have the original signed release authorizing emergency medical treatment, the names and phone numbers of the child's parent and doctor, allergies, the name and phone number of a person to contact in case of an emergency, and the authorization to administer medication, if applicable.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16, 26-6-20.

67:42:14:24. Medications. Medications may only be administered with the written consent of the parent or guardian and only if the consent lists the name of the medication and the date or dates the medication is to be administered. A copy of the consent form must be maintained in the child's record. Any medication administered to a child must be documented to include the dose, name of child, time and date administered, and signature of the person administering the medication. This written documentation must be kept for six months following the administration of the medication. Medications must be kept in the original container with the original label intact. The label for prescription medications must contain legible directions for use, the expiration date, the child's name, and the physician's name. ~~A drug container without a label or with an illegible label is not permitted.~~ Medications must be stored in a place that is inaccessible to children. Medication requiring refrigeration must be placed in another nonabsorbent container and labeled "medications".

Source: 27 SDR 63, effective December 31, 2000; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:14:28. Minimum fire and life safety requirements. A program located in a school building must meet the applicable construction and fire safety requirements of chapters 61:15:01, 61:15:02, and 61:15:07, regardless of the number of children served. A program not located in a school building and serving less than 21 children must meet the fire and life safety requirements of chapter 61:15:06. A program not located in a school building and serving 21 or more children must meet the fire and life safety requirements of chapter 61:15:05.

The program must post the emergency evacuation plans and must conduct fire drills four times per year and must conduct one tornado drill. The program must document the drills.

Combustible materials must be kept away from furnaces, lighting fixtures, and other heat sources. Exit doorways and pathways may not be blocked. Steps and walkways must be kept free from the accumulation of water, ice, snow, or other debris.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.